

IN THE SUPREME COURT OF FLORIDA

INQUIRY CONCERNING A

Case No.: SC03-1171

JUDGE, NO. 02-487

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RESPONDENT'S SECOND REQUEST  
FOR PRODUCTION TO THE COMMISSION

Respondent, Judge Gregory P. Holder, by counsel and pursuant to Rule 1.340, Florida Rules of Civil Procedure, gives Notice that Respondent's Second Request for Production to the Florida Judicial Qualifications Commission was prepared using Microsoft Word, Times New Roman, 14-point font, and complies with the font requirement stated in Fla. R. App. P. 9.210(a)(2), and was served on May 12th, 2004, by telecopier and United States Mail on: JQC Special Counsel, Charles P. Pillans, III, Esq., Bedell Ditmar DeVault Pillans & Cox, P.A., The Bedell Building, 101 East Adams Street, Jacksonville, FL 32202; and to JQC General Counsel, Thomas C. MacDonald, Jr., 1904 Holly Lane, Tampa, FL 33629.

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## SCHEDULE "A"

### I. DEFINITIONS AND INSTRUCTIONS

1. "Commission," "you," and/or "yours," will refer to the Judicial Qualifications Commission, including any of its members, employees, representatives, consultants, and agents and all other Persons acting or purporting to act on its behalf.

2. "Respondent," will refer to Judge Gregory P. Holder.

3. "Inquiry," will refer to the action styled Inquiry Concerning a Judge, pending before the Commission and assigned Supreme Court Case No.: SC03-1171.

4. The term "Knowledge" includes actual, imputed, constructive, and inquiry knowledge, awareness, perception, and/or notice.

5. The term "Person" will refer to and will include, without limitation and in the singular as well as in the plural, natural Persons, partnerships, joint ventures, corporations, limited liability entities, companies, firms, groups, associations, estates, trusts, agencies, enterprises, fellowships, clubs, leagues, institutes, societies, offices, and all other organizations and entities (whether public, private, government, or otherwise), unless the context specifically indicates otherwise. Any reference to a Person will include his, her, or its agents, assigns, attorneys, consultants, directors, officers, present and former employees or any other authorized representative.

6. "Documents" refers to and will include, without limitation and in the singular as well as in the plural, any handwritten, sketched, painted, drawn, traced, illustrated, typed, printed, recorded, graphical, electronic, digital, analog, optical, and/or other depiction, delineation, portrayal, reflection, projection, description, reproduction, representation or presentation of information of any kind whatsoever, however created, depicted or stored (e.g., on computer, disk, diskette, CD, tape, Zip®, Jaz®, hard, network or other drive; and/or by photographic, mechanical, digital, optical, electronic, or any other means), of any type or description, including all drafts, originals, identical and non-identical copies (in whole or in part), and includes, without limitation: all memoranda, letters, postcards, facsimile messages, telex messages, telegrams, intra-office and interoffice Communications, electronic mail, correspondence, notes, pamphlets, diaries, records of every kind, tapes and other sound recordings, transcripts, contracts, agreements, books, reports, catalogs, financial statements, books of account, journals, ledgers, data processing

cards, other data processing materials, data sheets, photographs, photostats, microfilm, videotapes, maps, directives, bulletins, circulars, notices, messages, tabulations, economic or statistical studies, surveys, statements, summaries, opinions, analyses, evaluations, diaries, lists, polls, transcripts, minutes, agendas, instructions, requests, cancelled checks, calendars, desk pads, appointment books, scrapbooks, notebooks, specifications, drawings, diagrams, sketches and writings, documents, and evidences of other Communications of every kind and character. This request includes any meta-data related to a Document.

7. To “Identify” a Document will mean to:

- (a) State its customary business description (for example, letter, memorandum, contract, telegram, book, magazine, or written guidance document);
- (b) State its number (if any) (e.g., invoice or purchase order number);
- (c) State its date;
- (d) Identify the author or addressor(s) or sender(s) (if any);
- (e) Identify the addressee(s) or recipient(s) (if any);
- (f) Identify the custodian if such Document, or a copy thereof, is in Petitioner’s possession, custody, or control;
- (g) Identify all Persons that possess, have custody of, or have control over such Document or any copy thereof;
- (h) State the substance of the subject matter of each such Document;
- (i) State its title;
- (j) State its present location;
- (k) If the document is no longer in your possession, custody or control, state the disposition that was made of it and the date of such disposition; and
- (l) State whether the document was produced to the Respondent or was withheld from production on the grounds of attorney-client privilege or the work product doctrine or other privilege

8. If a person, fact, oral communication, or document is mentioned or referred to in response to more than one of these interrogatories, you need not completely identify him, her, or it in every such instance, provided that you supply a complete identification in one such instance and in all other such instances make specific reference to the place, by page and paragraph, in your answers to these interrogatories, where he, she, or it is fully identified.

9. The term “including” does not limit the response to the document request.

10. The term “relating to” or “relative to” means, in whole or in part, constituting, containing, embodying, reflecting, identifying, stating, referring to, dealing with, or in any way pertaining to.

11. The terms “and” and “or” have both conjunctive and disjunctive meanings.

12. The terms “any” and “all” mean “each” and “every.”

13. All references to years mean calendar years. If calendar year information is not available, supply fiscal year data indicating the twelve-month period covered.

14. The term “Facts” will refer to and will include, without limitation and in the singular as well as in the plural, all circumstances, occurrences, occasions, events, incidents, Communications of every kind, writings, episodes, experiences, happenings, transactions, and all kinds of other affairs, matters, and/or things.

15. In producing Documents responsive to this Request for Production of Documents, you should produce Documents in full, without abridgement, abbreviation, modification, or editing of any sort.

16. All Documents shall be segregated in accordance with the numbered and lettered paragraphs and subparagraphs of this request.

17. All Documents which are withheld from production on the basis of a claim of privilege or other decisional, statutory, or other authority, shall be listed in accordance with the procedure described above, and shall be identified by:

(a) Author(s);

(b) Addressee(s);

(c) Date;

- (d) Type of Document;
- (e) Subject matter;
- (f) Number of pages;
- (g) Number of attachments or appendices;
- (h) Indicated or blind copies;
- (i) All persons to whom shown or explained;
- (j) Present custodian; and
- (k) Factual, legal, or other bases upon which the Document has been withheld.

18. All Documents requested which were destroyed, disposed of, or otherwise placed beyond your control, shall be identified by:

- (a) Author(s);
- (b) Addressee(s);
- (c) Date;
- (d) Type of Document;
- (e) Subject matter;
- (f) Number of pages;
- (g) Number of attachments or appendices;
- (h) Indicated or blind copies;
- (i) All persons to whom shown or explained;
- (j) Date of destruction or other disposition;
- (k) Reason for destruction or other disposition;
- (l) Person authorizing destruction or other disposition; and

- (m) Person destroying or otherwise disposing of Document, and if not destroyed, person(s) in possession, custody, or control of Document.

## II. DOCUMENTS TO BE PRODUCED

1. All Documents sent by or for any member of the Commission to any member of the United States Air Force, directly or indirectly, that relate in any way to Exhibits "A" or "B" to the Commission's Notice of Formal Charges or any related Air Force or Commission action or proceeding.
2. All Documents received by or for any member of the Commission from any member of the United States Air Force, directly or indirectly, that relate in any way to Exhibits "A" or "B" to the Commission's Notice of Formal Charges or any related Air Force or Commission action or proceeding.
3. All Documents sent by or for any member of the Commission to any member or employee of the Department of Justice, directly or indirectly, that relate in any way to Exhibits "A" or "B" to the Commission's Notice of Formal Charges or any related Air Force or Commission action or proceeding.
4. All Documents received by or for any member of the Commission from any member or employee of the Department of Justice, directly or indirectly, that relate in any way to Exhibits "A" or "B" to the Commission's Notice of Formal Charges or any related Air Force or Commission action or proceeding.
5. All Documents which the Commission intends to, or reasonably expects it may, introduce at the final evidentiary hearing.

6. All Documents provided to, acquired by, considered, rejected, or relied upon, in whole or in part, by any expert you intend to, or reasonably expect you may, call as a witness at the final evidentiary hearing.
7. All Documents Identified in response to Respondent's Expert and Witness Interrogatories to the Commission served on or about May 12, 2004.
8. All Documents not produced in response to any of the foregoing paragraphs but which otherwise relate in any way to Exhibits "A" or "B" to the Commission's Notice of Formal Charges.